

**STATE OF CALIFORNIA
REGIONAL WATER QUALITY CONTROL BOARD
SANTA ANA REGION**

In the matter of:)	Complaint No. 01- 37
)	for
Pacific Plastics, Inc.)	Administrative Civil Liability
111 South Berry Street)	
Brea, California 92821)	
<u>Attention: Raphael Bahremand</u>)	

YOU ARE HEREBY GIVEN NOTICE THAT:

1. You are alleged to have violated provisions of law for which the California Regional Water Quality Control Board, Santa Ana Region (hereinafter Board), may impose liability under Section 13385 of the California Water Code.
2. A hearing concerning this Complaint will be held before the Board within sixty days of the date of issuance of this Complaint. The hearing in this matter will be scheduled for the Board's regular meeting on April 19, 2001 at the Orange County Water District, Fountain Valley, California. You or your representative will have an opportunity to appear and be heard, and to contest the allegations in this Complaint and the imposition of civil liability by the Board. An agenda for the meeting will be mailed to you not less than 10 days before the hearing date.
3. At the hearing, the Board will consider whether to affirm, reject or modify the proposed administrative civil liability or whether to refer the matter to the Attorney General for recovery of judicial civil liability.
4. Pacific Plastics, Inc., located at 111 South Berry Street, Brea, California (hereinafter Pacific Plastics), is currently regulated under the State's General Permit for Storm Water Discharges Associated with Industrial Activities, Water Quality Order No. 97-03-DWQ, NPDES No. CAS000001 (General Permit). The facility's WDID number is 830S016081.
5. Pacific Plastics is alleged to have violated Provisions A1, A2, B3, and C1, of the General Permit. Pacific Plastics allowed storm water containing large amounts of polyvinyl chloride (PVC) particles to flow off the property by circumventing current Best Management Practices (BMPs). This discharge entered a storm drain located in the City of Brea. Pursuant to Water Code Section 13385 (a)(2), civil liability may be imposed for the preceding violations.
6. On July 21, 2000, Board staff inspected the facility and observed that a significant amount of PVC particles covered the ground of the entire facility. Staff also observed two unauthorized non-storm water discharges. One consisted of wash-down from water chillers and the wastewater treatment system mixed with PVC particles flowing to the southwest corner of the facility, and the other consisted of irrigation water mixed with PVC

particles discharging to the front of the facility. There was also evidence that a substantial amount of PVC particles had been discharged to the storm water drainage system from the facility in the past. There were no BMPs implemented to reduce or eliminate the volume of PVC particles in storm water and non-storm water runoff. The facility had not obtained coverage under the General Permit. Regional Board staff told the site representative, Mr. Ray Kashanian, that based on the industrial processes taking place at the facility, Pacific Plastics needed to file a Notice of Intent (NOI) for coverage under the General Permit, develop a site specific Storm Water Pollution Prevention Plan (SWPPP) to address the exposure of material to storm water, and immediately address the PVC particle discharges and the unauthorized discharges of non-storm water.

7. On July 26, 2000, Board staff conducted a follow-up inspection of Pacific Plastics. At that time it was noted that Pacific Plastics had taken steps to address concerns that Board staff had in regards to housekeeping and the unauthorized discharges to the south of the property. However, a discharge of irrigation water and PVC particles was still occurring in the front of the property. As a primary BMP, Pacific Plastics had installed two (2) small holding tanks, one in the middle of the property and the second in the storm swale located in the southern corner of the facility. Board staff expressed concern that the holding tanks were undersized and would not be able to contain all the runoff from the facility.
8. On August 28, 2000, Board staff responded to a complaint of a discharge of PVC particles to the storm swale. During the inspection it was indicated that an employee had mistakenly discharged the facility's street sweeper wastes to the storm swale located in the south side of the property and then washed the discharge further down the storm swale. Board staff advised Pacific Plastics to clean up the PVC discharge, to discontinue such practices, and to come into full compliance with the General Permit.
9. Pacific Plastics filed an NOI on September 7, 2000 which stated that a SWPPP would be prepared and be ready for review on September 29, 2000.
10. On January 17, 2001, in response to a complaint, Board staff observed that a large discharge of PVC particles had discharged to the storm drain system. Further, Board staff noted that a silt fence, which had been installed along the fence line as a BMP to prevent off-site migration of PVC particles, had intentionally been breached. Board staff again advised Pacific Plastics to clean up the PVC discharge, to discontinue such practices, and to come into full compliance with the General Permit.
11. On January 25, 2001, Board staff responded to a complaint that PVC particles had again been discharged to the storm drain, during a rain event, on January 24th.
12. On January 26, 2001, Board staff performed a follow-up inspection to observe the storm swale during a rain event. Evidence of PVC particles was observed in the storm swale. Pictures and soil samples were taken and a field pH test was performed.
13. The General Permit states that storm water runoff shall not cause pollution, contamination, or nuisance; requires permittees to develop and implement a Storm Water Pollution Prevention Plan (SWPPP); and prohibits most discharges of non-storm water. Further, the General

Prevention Plan (SWPPP); and prohibits most discharges of non-storm water. Further, the General Permit requires that storm water discharges to any surface water body shall not adversely impact human health or the environment. Pacific Plastics violated the General Permit by not developing and effectively implementing a SWPPP, discharging unauthorized, non-storm water containing pollutants, discharging pollutants in storm water, and by failing to report discharges in violation of the General Permit.

14. Section 13385(a)(2) provides that any person who violates waste discharge requirements shall be civilly liable. Section 13385 (c) provides that civil liability may be administratively imposed by a regional board in an amount not to exceed ten thousand dollars (\$10,000) for each day the violation occurs.
15. Pursuant to Section 13385(c), Pacific Plastics is civilly liable in the amount of \$60,000 (\$10,000/day for each day of violation) for the violations cited in Paragraphs 6, 7, 8, 10, 11 and 12. The total maximum liability is \$60,000.
16. Pacific Plastic saved approximately \$ 4,000 by undersizing the holding tanks and by failing to properly implement BMPs. Additionally, Board staff's cost for investigating this incident were approximately \$1,400 (\$70 per hour x 20 hours).
17. Section 13385 (e) specifies factors that the Board shall consider in establishing the amount of civil liability. After consideration of those factors, the Executive Officer proposes that civil liability be imposed in the amount of \$6,400 for the violations cited above.

WAIVER OF HEARING

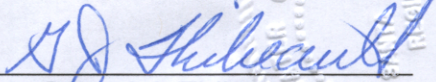
You may waive your right to a hearing. If you choose to do so, please sign the attached waiver form and return it, together with a check or money order payable to the State Water Resources Control Board for the amount of civil liability proposed under paragraph 17, above, to:

Santa Ana Regional Water Quality Control Board
3737 Main Street, Suite 500
Riverside, CA 92501-3348

If you have any questions, please contact Mark Smythe at (909) 782-4998, or Michael Adackapara, at (909) 782-3238. For legal questions, contact the Regional Board's staff counsel, Ted Cobb, at (916) 341-3348.

3-23-01

Date


Gerard J. Thibeault
Executive Officer



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Brea, California 92821)	
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<u>Attention: Raphael Bahremand</u>)	

WAIVER OF HEARING

I agree to waive the right of Pacific Plastics, Inc. to a hearing before the Santa Ana Regional Water Quality Control Board with regard to the violations alleged in Complaint No. 01- 37. I have enclosed a check or money order, made payable to the State Water Resources Control Board, in the amount of \$6,400. I understand that I am giving up Pacific Plastics' right to be heard and to argue against allegations made by the Executive Officer in this complaint, and against the imposition of, and the amount of, the liability proposed.

Date

for Pacific Plastics, Inc.